IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4575 OF 2006

Iqbal Esmail Khalifa @ Bobda & Ors. ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri S.H.Joshi, adv. for the Applicants.
Shri U.V.Nikam, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 8th February, 2007.

P.C.:

1. Heard Mr.Joshi, the learned counsel for the applicants and Mr.Nikam, the learned APP for the State.

2. The applicants seek to be released on bail in Crime No.71 of 2006 registered at Dahanu Police Station for the offences punishable under Sections 394, 397 read with Section 34 of the I.P.C. Perused police papers.

3. Prosecution case in brief is that the complainant Parvez Shaikh, who is resident of Chinchani, Taluka: Dahanu is a rickshaw driver. He had collected an amount of Rs.30,000/- for the purchase of home theatre, TV Set, D.V.D. and other articles. He had kept the amount in the rickshaw. On 13/7/2006 in the afternoon, applicant no.1 told him that he had to go to Village: Savta to purchase some old T.V. and sewing

machine and he requested the complainant to take him to Savta in his rickshaw. It was settled that he would pay Rs.250/- as to and fro charges. Accused no.1 was aware that the complainant had kept the amount of Rs.30,000/- in the rickshaw. At about 8.00 p.m. the rickshaw left for Savta. On the way, the complainant noted that one motor cycle was chasing him. At about some distance, accused no.1 asked him to stop rickshaw as he wanted to urinate. Accordingly, the rickshaw was stopped. Accused no.1 went to urinate. Meanwhile, motor-cycle came near the complainant and he found that accused no.3 was on the motor-cycle. Accused no.3 abruptly attacked the complainant from behind and at the same time, accused no.1 also joined him and caused injuries on the head of the complainant. One unknown person, who was also sitting in rickshaw, had caught hold of the complainant. At that time, after assaulting and causing several injuries, accused no.1 removed an amount of Rs.30,000/- from the rickshaw. After that rickshaw was thrown in ditch and the complainant also fell into ditch. Thereafter, all the three accused persons ran away on the motor-cycle. Accused nos.1 and 3 were known to the complainant. During the same night, the complainant was taken to the hospital at Vapi where he was examined and as many as 21 injuries were found on his person. Report was lodged on 14-7-2006 at about

9.30 a.m. and the offence came to be registered against accused nos.1 and 3 and one unknown person. Later on, the name of accused no.2 was also disclosed, he was arrested and identified in the Identification Parade.

4. Mr.Joshi, the learned counsel for the applicants contends that the applicants have been falsely implicated and they have no adverse antecedents. He has nowhere mentioned what could be the reasons for the complainant to falsely implicate the present applicants. The fact that almost immediately after the incident, the applicant was taken to the hospital and multiple injuries were found on his person provides corroboration to his report. He has specifically mentioned the names of accused nos.1 and 3 as they were known to him and accused no.1 was also aware that he was having an amount of Rs.30,000/-. Taking into consideration these circumstances, I am not convinced with the contention that the applicants have falsely implicated in this case. Taking into consideration the circumstances and the nature of the offence, it is not a fit case grant bail.

5. Application stands rejected.

(J.H.Bhatia,J.)